

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Andrea Piva et al.
 Title: USE OF BACTERIOCIN FOR THE AMELIORATION OF
 DIGESTIVE FUNCTIONALITY
 Serial No.: 10/551,536
 International
 Filing Date: March 25, 2004
 International
 Application No.: PCT/IB2004/000885
 Customer No.: 000116
 Docket: 38826

LETTER

Mail Stop PCT
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) dated May 9, 2006, (copy enclosed) applicant encloses herewith the required Declaration and Power of Attorney. As regards the \$330 additional claim fee, the claims of record at the time the U.S. application was filed on March 25, 2004 consisted of 15 claims amended per the IPER prepared by the EPO as the International preliminary examining authority and then transmitted to the International Bureau. A copy of the IPER amended claim sheets is included. The Preliminary Amendment filed with the U.S. application was based on these amended claims and, therein, original claims 1-15 were cancelled and new claims 16-28 were added containing no multiple dependencies. Consideration and entry of the Preliminary Amendment submitted March 25, 2004 is accordingly respectfully requested. Our check in the amount of \$65 is enclosed to cover the late filing fee surcharge.

If there are any extension fees or other fees required by this communication, please charge any such fees to our Deposit Account No. 16-0820, Order No. 38826.

Respectfully submitted,
 PEARNE & GORDON LLP

By John P. Murtaugh
 John P. Murtaugh, Reg. No. 34226

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 Date: 5-30-06

06/08/2006 MKAYPAGH 00000092 160820 10551536
 01 FC:2617 65.00 DP
 02 FC:2615 150.00 DA

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

John P. Murtaugh

Name of Attorney for Applicant(s)

06/08/2006 MKAYPAGH 00000093 160820 10551536
 01 FC:2616 180.00 DA

5-30-06 John P. Murtaugh
 Date Signature of Attorney

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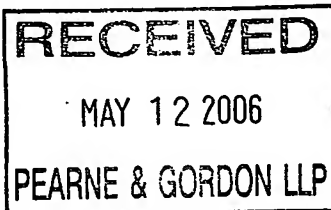


UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/551,536	Andrea PIVA	38826

116
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CLEVELAND, OH 44114-3108



INTERNATIONAL APPLICATION NO.	
PCT/IB04/00885	
I.A. FILING DATE	PRIORITY DATE
03/25/2004	04/01/2003

CONFIRMATION NO. 4428
371 FORMALITIES LETTER
OC000000018714573

Date Mailed: 05/09/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 09/30/2005
- Copy of the International Search Report filed on 09/30/2005
- Preliminary Amendments filed on 09/30/2005
- Information Disclosure Statements filed on 09/30/2005
- Request for Immediate Examination filed on 09/30/2005
- U.S. Basic National Fees filed on 09/30/2005
- Priority Documents filed on 09/30/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$330 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$395 for a Small Entity:

- \$65 Surcharge.

Additionally the following defects have been observed:

- Preliminary Amendments have not been entered because original claims were from 1-10.
- Total additional claim fee(s) for this application is \$ 330
 - \$150 for 6 total claims over 20.
 - \$180 for multiple dependent claim surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FRANCINE YOUNG

Telephone: (703) 308-9140 EXT 215

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/551,536	PCT/IB04/00885	38826